

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dominique BOUREL et al.
Title: USE OF ADCC-OPTIMIZED
ANTIBODIES FOR TREATING
WEAK PATIENTS
Appl. No.: 10/566,358
International Filing Date: 7/30/2004
371(c) Date: 04/13/2006
Examiner: Chun CROWDER
Art Unit: 1644
Confirmation Number: 5572

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed January 24, 2008, Applicants hereby provisionally elect, with traverse, “haemolytic disease of the newborn” for the specific disease and “anti-D” for the specific antibody.

Although the Office Action states that lack of unity under PCT Rule 13.1 and 13.2 apply and “Applicant’s inventions do not contribute to a special technical feature over the prior art,” it appears that only a species election is required. Accordingly, all claims should be examined, in light of the species election *supra*.

Applicants traverse the restriction requirement because the cited art, US 2003/0175969 (“the ‘969 publication”), is not prior art under 35 U.S.C. § 103(c). At the time

the present application was filed, the subject matter of the '969 publication and the present application were owned commonly owned. Accordingly, the '969 publication does not qualify as prior art.

Applicants emphasize that, as indicated in the Office Action, upon allowance of the generic claim, Applicants will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of the allowable generic claim.

Respectfully submitted,

Date April 24, 2008

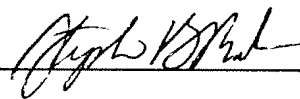
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